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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,227	02/09/2005	Hisao Tanaka	450100-05108	1561
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
10/16/2009				
EXAMINER				
NGUYEN, LINH THI				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
10/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,227

Applicant(s)

TANAKA ET AL.

Examiner

LINH T. NGUYEN

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/09 has been entered.

Claim Objections

Claims 1, 4, and 5 objected to because of the following informalities: Claims 1, 4 and 5 are objected because the abbreviation of "AV" needs to be written as "Audio Visual". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson (US Publication Number 20020164149).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regards to claims 1, 4 and 5, Wilkinson discloses a recording control apparatus and method for controlling recording a file of first data (Paragraph [0049]; header metadata) of each of a plurality of data series (packet set) onto a recording medium, said recording control apparatus comprising: means for generating second data (Fig. 1, file body) logically disposed at a start of said file (Fig. 1); means for generating third data (Fig. 1, can be unfilled, null filled or file footer) logically disposed at an end of said file (Figs. 1, 3B or 9), that makes data amounts of said first data (header metadata) and said second data (packets within the file body) integral multiples of a unit of reading and writing of said recording medium (Figs. 2 and 3; Paragraphs [0095]-[0108]), by being added to said first data or said second data (Figs. 2 and 3, header metadata is added to the packet sets); means for generating a file unit metadata file (Figs. 3 or 7; the packet set or a content package is a unit) in which header metadata is disposed (Fig. 3, the metadata header is in the front of the packet set) and a frame unit (Fig. 6) metadata file in which system items of edit units are disposed en bloc (Fig. 6 shows the frame of a contents package which include a system item en a bloc (field 1)), wherein system items include metadata (Fig. 7, system includes 3 metadata bloc) of each edit unit

(content package); a master file generating means (File Header which includes the master header) for generating a master file in an AV independent format (Paragraph [0057]), where the file unit metadata and the frame unit metadata area brought together into one file separately from each other (Fig. 3, "SET" and "PACKET" are frame unit of metadata brought together into a file unit of Fig. 2; (Paragraphs [0061], [0062], [0093], and [0125]-[0127]), wherein the master file included a pointer to each of a plurality of video file, the respective audio files of a plurality channels, file unit metadata file, a frame unit metadata file, and an auxiliary file (Fig. 6 and 7; Paragraph [0115], [0129], [0125], and [0140]); and means for performing recording control to record said file onto said recording medium such that said first data is recorded so as to have data amount of an integral multiple of said unit of reading and writing of said recording medium by adding said third data onto said recording medium such that boundaries of said first data coincide with boundaries of said unit (Fig. 3, the second data is the packet set which can include the third data which is the "unfilled data space" so that the boundaries coincide with the unit (SET 1, SET 2, to SET n), However, Wilkinson does not disclose generating a master file where the file unit and the frame unit are brought together into one file separately from each other and integral multiple of a unit.

Response to Arguments

Applicant's arguments filed on 6/19/09 have been fully considered but they are not persuasive. Applicant argues that Wilkinson does not have the master file where the file unit metadata and the frame unit metadata are brought together into one file

separately from each other. However, that is not persuasive. Wilkinson discloses a master file (file header; Paragraphs [0049]-[0053]) where the file unit metadata and the frame unit metadata area brought together into one file separately from each other (Fig. 6 and 7, items system picture, audio and auxiliary are brought together in a file unit or contents package; Paragraph [0147]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
October 9, 2009

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627